IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO. 165 OF 2004

PETITIONER

Dr. R.S. Chouhan, S/o. Shri Arjun Singh Chouhan, Aged about 40 years, Occupation Medical Officer, R/o. Community Health Center (C.H.C.) Block – Durgkondal, Tehsil – Bhanupratpur, District Kanker (C.G.)

P. R. No. 17/1/04
Presented by Shri Anil Sharma
Dated 15.01.04

VERSUS

RESPONDENT

1. State of Chhattisgarh
Through Secretary, Health and Family Welfare Department, DKS Bhawan, Raipur (C.G.)

2. Union of India, Through Secretary, Personnel Public Grievance and Pension Ministry, Personal and training Department, Loknayak Bhawan Khan Market, New Delhi

3. Director, Directorate of Health Services, Raipur (Chhattisgarh)

4. Chief Medical and Health Officer, Kanker, District Kanker (Chhattisgarh)

5. State of Madhya Pradesh
Through Secretary, Health Services Department Vallabh Bhawan, Bhopal, Madhya Pradesh

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Shri Yadav
15-01-04
Clerk to
VINAY HARIT
Senior Central Government Standing Counsel
CHHATTISGARH HIGH COURT

RECEIVED COPY
Clerk to A.G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(31)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP/516/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21.01.2004 **Shri Anup Mazumdar, counsel for the petitioner.** **Shri Ranbir Singh, Govt. Adv. takes notice on behalf of Respondents No.1, 3 & 4.** **Heard.** **The petitioner is working as Medical Officer in Community Health Centre at Durgkodal, District Kanker and under M.P. Re-organization Act, 2000 his services has been allocated to the State of Madhya Pradesh vide order dated 23-24/10/2002 (Annexure A-1). However, as per telephonic direction of the Director, Health Services, Raipur, the Chief Medical Officer, Kanker vide order-dated 13.02.2003 (Annexure A-6) has ordered not to relieve the petitioner for joining his services in the State of M.P. and till date the petitioner has not been relieved whereas his allocation has not been stayed by the Central Government or the State Government.** **Learned counsel for the respondents No.1, 3 & 4 submits that the petitioner's services are to be speared only when the relieving persons comes from the State of Madhya Pradesh.** **The matter in dispute is squarely covered by the order of this Court dated 17.12.2002 passed in Writ petition Nos. 516/2003,**	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(32)

आदेश पत्रक

मामला क्रमांक 1655/07 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

174/2003, 604/2003, 877/2003 & 828/2003 in which the contention raised by the learned counsel for the respondents has been rejected and it has been held that in view of the legal position the action of the State authorities in not relieving the petitioners cannot be sustained and the petitioners are entitled for relieving, as neither the order passed by the Union of India nor the date of relieving has been challenged by any government including the State Government of Chhattisgarh and as per the order of Union of India the petitioner is required to be relieved on 27.09.2002, however, the date of relieving was extended upto 31.10.2002 and thereafter, no extension was granted. Therefore, in view of the above order of this Court in the similar petitions, I am of the opinion that order staying the operation of the relieving order is without any authority and cannot be sustained and the petitioner is entitled for relieving. Accordingly, the petition is allowed and the respondents are directed to relieve the petitioner forthwith.

Certified copy as per Rules.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये

Reshma